

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**BLANCA SANCHEZ,**

**Plaintiff**

**VS.**

## NEW BREED LOGISTICS,

## Defendants.























**Civil Action No.** \_\_\_\_\_

## **PLAINTIFF'S COMPLAINT**

Plaintiff Blanca Sanchez complains of Defendant New Breed Logistics for unpaid overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §207.

## I.

## JURISDICTION

1. This Court has jurisdiction over this matter pursuant to 28. U.S.C. §1331 in that the claims for relief asserted herein arise under maximum hours provisions of the Fair Labor Standards Act, 29 U.S.C. §207 (“FLSA”).

## II.

**PARTIES**

2. Plaintiff Blanca Sanchez is an individual who resides in Tarrant County, Texas. Sanchez is an employee at New Breed Logistics's facility located at 4320 N. Sylvania Avenue, Suite 100, Fort Worth, Texas 76137.

3. Defendant New Breed Logistics, Inc. is a corporation doing business in this

district and division. It may be served through its registered agent, Corporate Service Company, d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-4234.

### **III.**

#### **FACTS**

4. Sanchez was hired by New Breed in 2007 as a planner/scheduler. This position was classified as nonexempt for overtime purposes. Initially, Sanchez received an hourly rate and overtime for the hours she worked in excess of 40 hours during any one workweek. Beginning on February 9, 2008, New Breed reclassified Sanchez as exempt, and started paying Sanchez a straight salary, even though Sanchez's duties and responsibilities remained exactly the same as before. From February 9, 2008 until June or July 2012, Sanchez regularly worked in excess of 40 hours during each work week, but she was not paid overtime for the hours in excess of 40 hours. Then, in June 2012, New Breed reclassified Sanchez as nonexempt and began paying her overtime for all hours worked in excess of 40 during any one workweek.

5. Sanchez seeks to recover all unpaid overtime between the period beginning with the date she was reclassified as exempt by New Breed and the date that New Breed reclassified her back to nonexempt.

### **IV.**

#### **CLAIM FOR RELIEF**

6. **FLSA – Unpaid Overtime.** Sanchez demands judgment against Defendant for unpaid overtime based on Defendant's failure to compensate her at a rate equal to one and one half times the regular rate for all hours worked in excess of 40 hours during any one workweek.

7. Defendant's violation of FLSA's overtime provisions was willful. Sanchez

demands judgment for liquidated damages.

8. Sanchez demands judgment against Defendant for attorney fees and all costs.

9. Sanchez demands judgment against Defendant for pre- and post-judgment interest.

V.

**JURY DEMAND**

10. Sanchez demands a jury.

WHEREFORE Plaintiff Blanca Sanchez demands judgment against Defendant for damages resulting from Defendant's violations of the Fair Labor Standards Act, judgment for liquidated damages, attorneys' fees, costs, pre- and post-judgment interest, and any other relief to which Sanchez may be entitled.

Dated: October 5, 2012

Respectfully submitted,

s/ Brett L. Myers

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